

RESOLUTION

WHEREAS, it is the desire of the County Commission of Jefferson County, West Virginia to protect the life and property of the citizens of Jefferson County; and

WHEREAS, The County Commission of Jefferson County, West Virginia duly passed an Ordinance adopting the State of West Virginia building code on March 29, 2001; and

WHEREAS, the County Commission of Jefferson County, West Virginia desires that all building permits issued before August 1, 2022, shall remain valid and regulated under the state building codes adopted and in effect prior to August 1, 2022; and

WHEREAS, The State of West Virginia has decreed that as of August 1, 2022, the State of West Virginia building code shall be revised to the following codes with local amendment as permitted by law:

2018 International Building Code (with exceptions/amendments).

2018 International Plumbing Code

2018 International Mechanical Code (with additions/exceptions)

2018 International Fuel Gas Code (with exception/amendment).

2018 International Property Maintenance Code (at the option of Jefferson County, this ordinance is not adopted)

2015 International Energy Conservation Code for Residential Buildings (with exception/amendment)

2013 ANSI/ASHRAE/IESNA Standard 90.1 – for Commercial Buildings

2018 International Residential Code for One & Two Family Dwellings (with exceptions/amendments)

2017 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings and Facilities

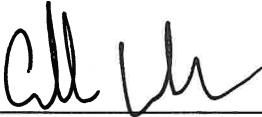
2018 International Existing Building Code
(with amendment adopting the NFPA 101, Life Safety Code 2021 Edition)

2020 Edition of the National Electric Code, NFPA 70


2018 International Swimming Pool and Spa Code; and


WHEREAS, the County Commission of Jefferson County, West Virginia desires that all building permits issued on or after August 1, 2022, be regulated under the revised State building code, as adopted by the County Commission of Jefferson County, West Virginia.

THEREFORE, BE IT RESOLVED that the County Commission of Jefferson County, West Virginia desires to adopt the revised State of West Virginia building code that shall become effective August 1, 2022, and HEREBY adopts the new Building Code Enforcement Ordinance, as attached.

BY:  DATE: July 21, 2022
Caleb Hudson, President
County Commission of Jefferson County

ATTEST:


Jacqueline S. Shadee
CLERK OF JEFFERSON COUNTY



ORDINANCE AND ORDER

An ordinance and order to ADOPT the State of West Virginia building code relating to building construction and building inspection activities in Jefferson County, West Virginia, and enforcement of said codes.

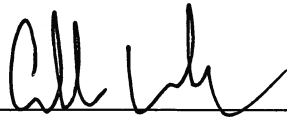
WHEREAS, it is the desire of the County Commission of Jefferson County, West Virginia to adopt the state building code relating to minimum building and housing construction standards for the public safety, health, and well-being; and

WHEREAS, the adoption of this code is to facilitate proper permitting, inspection, and enforcement activities relating to the construction of buildings, structures, and additions within the jurisdiction of Jefferson County, West Virginia.

NOW, THEREFORE, BE IT ORDAINED AND ORDERED BY The County Commission of Jefferson County, by authority of the Code of West Virginia under Section 3n, Article 1, Chapter 7, of the Code of West Virginia, One-thousand Nine-hundred Thirty-one, that the State Building Code as provided for in Section 5b, Article 3, Chapter 29, of the Code of West Virginia, One-thousand Nine-hundred Thirty-one, are hereby adopted and made a part hereof, as if fully set out in this ordinance, with the amendments/additions/insertions/changes/exceptions, if any, prescribed in the Jefferson County Building Code Enforcement Ordinance.

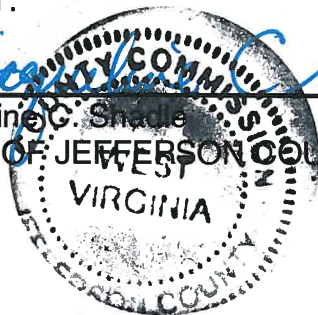
BE IT FURTHER ORDAINED AND ORDERED that **this Ordinance and Order shall take effect and be in force from the 1st day of August, 2022**, the public welfare requiring it.

PASSED AND APPROVED BY The County Commission of Jefferson County, West Virginia on the 21ST day of July, 2022.

BY: 
Caleb Hudson, President
County Commission of Jefferson County

ATTEST:


Jacqueline C. Shade
CLERK OF JEFFERSON COUNTY



JEFFERSON COUNTY BUILDING CODE ENFORCEMENT ORDINANCE

GENERAL AUTHORITY

By authority of the Code of West Virginia, Chapter 7, Article 1, Section 3n & Chapter 29, Article 3, Section 5b, to enforce minimum regulations governing the design, construction, alteration, enlargement, repair, demolition, removal, and use of all buildings and structures: providing for the issuance of permits, collection of fees, making of inspections, providing penalties for the violation thereof, to be known as the “Jefferson County Building Code Enforcement Ordinance”.

STANDARDS & CODES

In accordance with the provisions of the Code of West Virginia, Chapter 29, Article 3, Section 5b, the County Commission of Jefferson County, West Virginia does hereby adopt the State Building Code as set forth in Title 87, Legislative Rules, State Fire Commission, Series 4, State Building Code, which becomes effective on August 1, 2022. The standards and requirements as set out and published by the International Code Council (ICC) and the American National Standards Institute (ANSI), as listed below, shall have the same force and effect as if set out verbatim in this Section, except as modified and/or amended herein; any reference to the ICC Electrical Code shall mean NFPA 70, National Electrical Code 2020.

The Property Maintenance Code is not adopted and shall not be enforced.

ADMINISTRATIVE PROCESS

The administration of the building code shall be in accordance with the Administration Chapter of the applicable building code.

AMENDMENTS, INSERTIONS, CHANGES, EXCEPTIONS & APPENDIX ADOPTION

Fee Schedule for all codes: “Attachment A – Schedule of Permit Fees,” shall be apply on the effective date of this Ordinance. However, the Schedule of Permit Fees may be administratively amended from time to time, by the County Commission of Jefferson County, without further amendment to this Ordinance.

1) **2018 International Residential Code for One- and Two-Family Dwellings:**

Section R101.1 Title, insert “Jefferson County, West Virginia” where “[NAME OF JURISDICTION]” appears.

Section R113.4 Violation Penalties, shall be amended to read as follows:

“Any person, firm or corporation violating any of the provisions of any of the adopted codes shall be guilty of a misdemeanor and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia.”

Section R114.2 Unlawful Continuance, shall be amended to read as follows:

“Any person, firm, or corporation who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor and each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Upon conviction of any such violation such person, firm, or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia.”

Table R301.2 (1) insert the following design criteria:

Climatic And Geographic Design Criteria											
Ground Snow Load	Ultimate Wind design	Seismic Design Category	Subject to Damage From				Winter Design Temp (Deg. F)	Ice Shield Under-layment Req.	Flood Hazard	Air Freezing Index	Mean Annual Temp. (Deg. F)
(lbs per sq. ft.)	Speed (mph)		Weathering	Frost Line Depth (24")	Termite	Decay					
30	115	A	Severe	Min. 30 inches to bottom of footing	Heavy to Moderate	Slight to Moderate	10	No	F.I.R.M. 1980, as amended	1000	52.6
Manual J Design Criteria											
The Manual J design criteria shall be as established by the Code Official using Table 1a or 1b from ACCA Manual J, for Jefferson County, WV											

IRC Section R311.7.5 Stair Treads and Risers:

Section R311.7.5.1 Riser Heights – The maximum riser height shall be eight and one-quarter (8-1/4) inches.

Section R311.7.5.2 Treads – The minimum tread depth shall be nine (9) inches.

IRC Section R403.1.7.1 Building Clearances From Ascending Slopes, delete in its entirety, no replacement.

IRC Section R403.1.7.2 Footing Setbacks From Descending Slope Surfaces, delete in its entirety, no replacement.

IRC Section N1101-N1104 (Chapter 11) Energy Efficiency, delete in its entirety, replace with 2015 International Energy Code, Chapter 4 - Residential Energy Efficiency.

Fire Protection of Floors in Residential Buildings

§87-4-5.1 New One and Two Family Dwellings over one level in height. New One and Two Family Dwellings containing a basement, and One and Two Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide a method of fire protection of floors (1) A ½ inch (12.7mm) gypsum wall board membrane, 5/8 inch (16 mm) wood structural panel or equivalent on the underside of the floor framing member; (2) Wood floor assemblies using dimensional lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An Automatic Fire Sprinkler System as set forth in section R313.1 or R313.2 of the 2015 edition of the International Residential Code for One and Two Family Dwellings: *Provided*, That floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in section R313.1 or R313.2 of the 2015 edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.

§87-4-5.2 Townhouses meeting the Fire Resistant Construction Standard R302.2 will be treated as New One- and Two-Family Dwellings and shall comply with section 5.1 above

IRC Section R507 Exterior Decks, in addition to complying with this section, decks shall also comply with the most recent edition of American Wood Council's Design for Code Acceptance 6 (DCA6) – Prescriptive Residential Deck Construction Guide. Any conflict between the International Residential Code (IRC) and DCA6, the IRC shall apply.

NOTE: DCA 6 will be available for review in the engineering office or obtain a copy at the follow web address:

www.awc.org/codes-standards/publications/dca6

IRC Section P2603.5.1 Sewer Depth, insert “12 (twelve) (710 mm)” where “[Number]” appears.

IRC Section G2415.12 Minimum Burial Depth, - delete and replace with:
“Underground piping systems shall be installed a minimum depth of 12 inches (305mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner”.

IRC Section M1402 Central Furnaces:

M1402.1 General- Oil-fired central furnaces shall conform to ANSI/UL 727. Electric furnaces shall conform to UL 1995 or UL/CSA 60335-2-40.

IRC Section M1403 Heat Pump Equipment:

M1403.1 Heat pumps- Electric heat pumps shall be listed and labeled in accordance with UL 1995 or UL/CSA 60335-2-40.

IRC Section M1412 Absorption Cooling Equipment:

M1412.1 Approval of equipment- Absorption systems shall be installed in accordance with the manufacturer’s instructions. Absorption equipment shall comply with UL 1995 or UL/CSA 60335-2-40.

IRC Section M1413 Evaporative Cooling Equipment:

M1413.1 General- Evaporative cooling equipment and appliances shall comply with UL 1995 or UL/CSA 60335-2-40 and shall be installed in accordance with 4401.3 Referenced standard list:

Chapter 44 Referenced Standards:

4401.3 Referenced standard list – See table 2, of Title 87, Legislative Rule, State Fire Commission, Series 4, State Building Code

International Residential Code 2018 – Appendix Adoption:

The following appendices are specifically adopted:

Appendix A – Sizing and Capacities of Gas Piping.

- Appendix B – Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances, And Appliances Listed For Use With Type B Vents.
- Appendix C - Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.
- Appendix F - Radon Control Methods.
- Appendix G - Piping Standards for Various Applications
- Appendix H - Patio Covers
- Appendix J - Existing Buildings and Structures.
- Appendix M - Home Day Care – R3 Occupancy.
- Appendix O - Automated Vehicular Gates
- Appendix Q - Tiny Houses
- Appendix R - Light Straw-Clay Construction
- Appendix S - Straw Bale Construction

2) **International Building Code 2018:**

Section 101.1 Title insert “Jefferson County, West Virginia” where “[NAME OF JURISDICTION]” appears.

Section 101.4.5 Fire Prevention is deleted.

Section 113.3 Board of Appeals is deleted and replaced with the following:

“Section 113.3 Qualifications. *The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect, or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years’ experience, five of which shall be in responsible charge of work. No less than one of the members of such Board of Appeals shall be a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor.”*

Section 114.4 Violation Penalties shall be amended to read as follows:

“Any person, firm or corporation violating any of the provisions of any of the adopted codes shall be guilty of a misdemeanor and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia.”

Section 115.3 Unlawful Continuance shall be amended to read as follows:

“Any person, firm, or corporation who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor and each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Upon conviction of any such violation such person, firm, or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia”

Section 1608.2 Ground Snow Loads add the following sentence at the end of the paragraph:

“The ground snow load for Jefferson County, West Virginia shall be a minimum of 30 pounds per square foot.”

Section 1612.3 Establishment of Flood Hazard Areas insert “Jefferson County, West Virginia” where “[NAME OF JURISDICTION]” appears. Insert “1980” where “[INSERT DATE OF ISSUANCE]” appears in the first paragraph.

Section 1809.5 Frost Protection, method no. 1, extending below the frost line of the locality shall mean the depth to the bottom of the footing is a minimum of thirty (30) inches.

International Building Code 2018 – Appendix Adoption:

The following appendices are specifically adopted:

Appendix C - Group U – Agricultural Buildings

Appendix E - Supplementary Accessibility Requirements

Appendix H - Signs

Appendix I - Patio Covers

3) **International Plumbing Code 2018:**

Section 101.1 Title insert “Jefferson County, West Virginia” where “[NAME OF JURISDICTION]” appears.

Section 106.6.3 Fee Refunds insert “zero percent (0%)” in paragraph no. 2 where “[SPECIFY PERCENTAGE]” appears.

Section 106.6.3 Fee Refunds insert “zero percent (0%)” in paragraph no. 3 where “[SPECIFY PERCENTAGE]” appears.

Section 108.4 Violation Penalties shall be amended as follows:

“Any person, firm or corporation violating any of the provisions of any of the adopted codes or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor; and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted, after notice has been served. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia”.

Section 108.5 Stop Work Orders insert “fifty (50)” for the not less than “[AMOUNT]” and “five-hundred (500)” for the not more than “[AMOUNT]”.

Section 305.4.1 Sewer Depth insert “28 (twenty-eight) (710mm)” where “[NUMBER]” appears twice in the first paragraph.

International Plumbing Code 2018 – Appendix Adoption:

The following appendices are specifically adopted:

Appendix B – Rates of Rainfall for Various Cities

Appendix D – Degree Day and Design Temperatures

Appendix E - Sizing of Water Piping System

4) International Mechanical Code 2018:

Section 101.1 Title insert “Jefferson County, West Virginia” where “[NAME OF JURISDICTION]” appears.

Section 106.5.3 Fee Refunds insert “zero percent (0%)” in paragraph no. 2 where “[SPECIFY PERCENTAGE]” appears.

Section 106.5.3 Fee Refunds insert “zero percent (0%)” in paragraph no. 3 where “[SPECIFY PERCENTAGE]” appears.

Section 108.4 Violation Penalties shall be amended as follows:

“Any person, firm or corporation violating any of the provisions of any of the adopted codes or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor; and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted, after notice has been served. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia”.

Section 108.5 Stop Work Orders insert “fifty (50)” for the not less than “[AMOUNT]” and “five-hundred (500)” for the not more than “[AMOUNT]”.

International Mechanical Code 2018 – Appendix Adoption:

The following appendices are specifically adopted:

Appendix A – Chimney Connector Pass –Through

International Mechanical Code 2018 - Additions: The following shall be in addition to the current language found in the said edition of the reference code and section:

Section 908 Cooling Towers, Evaporative Condensers and Fluid Coolers:

908.1 General- A cooling tower used in conjunction with an air-conditioning appliance shall be installed in accordance with the manufacturer's instructions. Factory-built cooling towers shall be listed in accordance with UL 1995 or UL/CSA 60335-2-40.

Section 916 Pool and Spa Heaters:

916.1 General- Pool and spa heaters shall be installed in accordance with the manufacturer's instructions. Oil-fired pool and spa heaters shall be tested in accordance with UL 1261. Pool and spa heat pump water heaters shall comply with UL 1995, UL/CSA 60335-2-40 or CSA C22.2 No. 236.

Exception: Portable residential spas and portable residential exercise spas shall comply with UL 1563 or CSA C22.2 No. 218.1.

Section 918 Forced-Air Warm-Air Furnaces:

918.1 Forced-Air furnaces- Oil-fired furnaces shall be tested in accordance with UL 727. Electric furnaces shall be tested in accordance with UL 1995 or UL/CSA 60335-2-40. Solid fuel furnaces shall be tested in accordance with UL 391. Forced-air furnaces shall be installed in accordance with the listings and the manufacturer's instructions.

918.2 Heat Pumps- Electric heat pumps shall be tested in accordance with UL 1995 or UL/CSA 60335-2-40.

Section 1101 General:

1101.2 Factory-Built Equipment and Appliances- Listed and labeled self-contained, factory-built equipment and appliances shall be tested in accordance with UL 207, 412, 471, 1995, UL/CSA 60335-2-40, or UL/CSA 60335-2-89. Such equipment and appliances are deemed to meet the design, manufacture and factory test requirements of this code if installed in accordance with their listing and the manufacturer's instructions.

1101.6 General. Refrigeration systems shall comply with the requirements of this code and, except as modified by this code, ASHRAE 15. Ammonia-refrigerating systems shall comply with this code and, except as modified by this code, ASHRAE 15, IIAR 2. High probability systems utilizing A2L refrigerants shall comply with ASHRAE 15.

Chapter 15 REFERENCED STANDARDS:

1501.3 Referenced Standards – See Table 1, of Title 87, Legislative Rule, State Fire Commission, Series 4, State Building Code

5) **International Fuel Gas Code 2018:**

Section 101.1 Title insert "*Jefferson County, West Virginia*" where "[NAME OF JURISDICTION]" appears.

Section 106.6.3 Fee Refunds insert "*zero percent (0%)*" in paragraph no. 2 where "[SPECIFY PERCENTAGE]" appears.

Section 106.6.3 Fee Refunds insert "*zero percent (0%)*" in paragraph no. 3 where "[SPECIFY PERCENTAGE]" appears.

Section 108.4 Violation Penalties shall be amended as follows:

“Any person, firm or corporation violating any of the provisions of any of the adopted codes or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor; and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted, after notice has been served. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia.”

Section 108.5 Stop Work Orders insert “fifty (50)” for the not less than “[AMOUNT]” and “five-hundred (500)” for the not more than “[AMOUNT]”.

International Fuel Gas Code 2018 – Appendix Adoption:

The following appendices are specifically adopted:

- Appendix A – Sizing and Capacities of Gas Piping (IFGS)
- Appendix B - Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, And Appliances Listed For Use With Type B Vents (IFGS)
- Appendix C - Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems (IFGS)

6) **International Energy Conservation Code 2015 for Residential Structures:**

With the following exception:

Section, R402.4.1.2. Testing. The building or dwelling unit shall in lieu thereof have an air leakage rate not exceeding five air changes per hour in Climate Zones 3 through 8.

Section 101.1 Title insert “Jefferson County, West Virginia” where “[NAME OF JURISDICTION]” appears.

7) **The ANSI/ASHRAE/IESNA Standard 90.1 2013 edition for Commercial Buildings.**

Using building energy benchmarking in all commercial structures means measuring a building's energy use and then comparing it to the energy use of similar buildings, its own historical energy usage, or a reference performance level, and is an allowable option for improved energy efficiency and performance.

8) **Existing Buildings Code 2018:**

With the following exception:

Omit reference to International Fire Code and substitute NFPA Life Safety Code 2021 edition.

Section 101.1 Title insert "*Jefferson County, West Virginia*" where "[NAME OF JURISDICTION]" appears.

Section 101.4.2 Buildings previously occupied, omit reference to "International Fire Code" and substitute "*NFPA Life Safety Code 2009 Edition.*"

Section 113.4 Violation Penalties shall be amended as follows:

"Any person, firm or corporation violating any of the provisions of any of the adopted codes or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor; and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted, after notice has been served. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia."

9) **NFPA 70, National Electric Code, 2020 Edition:** Amended as follows:

per WV Title 87 Series 4 State Building Code:

4.1.m.1. Section 210.8(F) GFCI Protection shall not be required on all new

mini-split heating/ventilation/air-conditioning (HVAC) equipment and other HVAC units employing power conversion equipment as a means to control compressor speed systems including but not limited to mini-split and A/C units until January 1, 2023.

*4.1.m.2 For renovations in one- and two-family homes where no new square footage is involved, arc-fault circuit interrupter (AFCI) protection shall not be required, except in bedrooms. For renovation in one- and two-family homes where square footage is added but no electrical service is installed, Arc-fault circuit interrupter *AFCI) protection shall not be required.*

Electrical inspections shall be conducted by an approved private (third-party) electrical inspector, using the National Electric Code approved by the West Virginia State Fire Commission. Fees for said electrical inspections shall be paid by the applicant directly to the private inspector or inspection service provider and shall not be included in the permit fees paid to the County.

- 10) **2017 ICC/ANSI A117.1 Standards for Accessibility and Useable Buildings and Facilities:** (no amendments).
- 11) **2018 edition of the International Swimming Pool and Spa Code** shall apply.
- 12) Whenever referenced in the several ICC codes adopted in this section, any reference to the International Fire Code shall be substituted with the NFPA Life Safety Code 2021 edition.
- 13) Whenever a certificate of occupancy is required of a commercial structure greater in size than 7,600 feet, the project documents shall be designed by an Architect licensed by the WV Board of Architects, or a Professional Engineer licensed by the WV State Board of Registration for Professional Engineers.
- 14) **Exemption for Agricultural Purposes.**
 - A) If a property owner or other responsible party claims exemption from the applicable Building Code based on the agricultural purposes exemption identified in subsection 1.6 of this rule, he or she shall submit the question to the Commissioner of Agriculture for a determination of eligibility.
 - B) The property owner or responsible party shall submit to the Commissioner of Agriculture sufficient information to allow the Commissioner to determine the primary use of the property. This information shall include, but is not limited

to, the location of the property and buildings, the types of agricultural use or uses, the percentage or frequency of use, and any other information that the Commissioner requires to make a decision.

- C) The Commissioner of Agriculture shall provide a copy of his or her decision to the property owner or responsible party, and to the entity that has adopted and is enforcing the Building Code.

EXCEPTIONS:

- A) The following structures are not subject to inspection by local jurisdictions:

Group U utility structures and storage sheds comprising an area not more than 200 sq.-ft. which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture). Not included are those utility structures and storage sheds which have plumbing or electrical connections, are a non-residential use, or for the storage of explosives or other hazardous or explosive materials.

- B) The intent and requirements for an appeals board in each of the separate codes may be met with the creation of a single appeals board for the entire State Building Code, in accordance with and as amended in this ordinance under the International Building Code 2018.

Attachment A

Jefferson County, West Virginia

Engineering Department

&

Office of Building Permits & Inspections

116 East Washington Street

Charles Town, WV 25414

304-725-2998

Schedule of Residential Building Permit Fees (IRC)

Effective August 1, 2022

		Fee Amount	
Residential Permit Type	Base Fee	*plus Fee per Sq.-Ft. of Finished & Unfinished Area	
Single-Family Dwelling	\$95.00	\$0.20	
Mobile/Manufactured Home	\$95.00	\$0.20	
Townhouse & Duplex (less than 4 story)	\$95 per unit	\$0.20	
Residential Dwelling Addition	\$95.00	\$0.20	
(*Sq.-Ft. Fee also applies to Porch, Garage & Basement Areas; Decks are a separate Fee, see below)			
Residential Interior Room/Basement Renovation	\$75.00	plus \$0.20/Sq.-Ft. of Renovated Area	
Chimney/Fireplace (added to existing dwelling)	\$150 per chimney		
Sheds/Garage/Structure ancillary to Residence	\$75.00	plus \$0.20/Sq.-Ft. of Area	
Decks	\$75.00	plus \$0.20/sq.-ft. of deck area	
Replacement Windows	\$150.00		
Spa or Hot Tub	\$100.00		
Swimming Pool - In-Ground	\$75.00	plus \$0.20/sq.-ft. of pool area + patio area.	
Swimming Pool - Above Ground	\$75.00	plus \$0.10/Sq.-Ft. of pool area (Round Pool See Table Below)	
Electrical Wiring Only:		\$150.00	
(Electric panel, new outlets, new lights, HVAC, generator, solar panels, etc.)			
Roof Top & Ground Mounted Solar Panels - Residential Dwelling	As of 7/21/2022 , To Be Determined by County Commission		
Retaining Wall (4' or more from footer to top wall)	\$75 plus \$0.10/lineal foot of wall		
Fence (6' or more in height above ground surface)	\$75 plus \$0.10/lineal foot of fence		
Agricultural Building	\$55.00		
Demolition - Residential Dwelling	\$125.00		
Re-inspection Fee	\$65/each re-inspection, paid prior to re-inspection		
Plan change after permit issued	\$65 plus \$65 for each additional inspection due to plan change.		
Permit Application Denied & Resubmitted within 90 days for review; \$75 re-application fee			
Beginning Construction Without a Permit	1st time = \$75	2nd time = \$150	3rd time = \$300

Round Pool Fee Calculator				
Round Pool Diameter (Feet)	Base Fee	Area of Pool (Sq-Ft)	per Sq-Ft Fee	Total Fee
15	\$75	176.71	\$0.10	\$92.67
16	\$75	201.06	\$0.10	\$95.11
17	\$75	226.98	\$0.10	\$97.70
18	\$75	254.47	\$0.10	\$100.45
19	\$75	283.53	\$0.10	\$103.35
20	\$75	314.16	\$0.10	\$106.42
24	\$75	452.39	\$0.10	\$120.24
27	\$75	572.55	\$0.10	\$132.26
28	\$75	615.75	\$0.10	\$136.58
29	\$75	660.52	\$0.10	\$141.05
30	\$75	706.86	\$0.10	\$145.69
33	\$75	855.30	\$0.10	\$160.53

Round Pool Fee includes the Base Fee + per Sq-Ft. Fee Amounts only. The applicant will also need to add the fee for any above ground deck/platform that surrounds the pool

All fees are due upon submission of permit applications, plan changes, reinspection requests, etc; payable to: Jefferson County Commission

Attachment A

Jefferson County, West Virginia Office of Building Permits & Inspections

116 East Washington Street
Charles Town, WV 25414
304-725-2998

Schedule of Commercial/Industrial Building Permit Fees (IBC)

Effective August 1, 2022

	Fee Amount		
Commercial Permit Type	Base Fee	Fee per Sq.-Ft. of Finished Floor Area	Fee per Sq.-Ft. of Un-finished Floor Area
Commercial/Industrial/Multi-Family Buildings (Less than 1,000 sq.-ft. floor area)	\$350.00	\$0.25	\$0.25
Commercial/Industrial/Multi-Family Buildings (Greater than or equal to 1,000 sq.-ft. floor area)	\$675.00	\$0.25	\$0.25
Commercial Interior Room Renovation	\$1,000 plus \$50 per required inspection		
Church Building	\$675.00	\$0.25	\$0.25
Church Addition, Pavillions & Ancillary Structures (Less than 1,000 sq.-ft. floor area/foot print)	\$100 + \$65 per required inspection		
Church Addition, Pavillions & Ancillary Structures (Greater than or equal to 1,000 sq.-ft. floor area/foot print)	\$350	\$0.25	\$0.25
Institutional (hospital, school, fire hall, etc.)	\$275	\$0.18	\$0.18
Commercial/Institutional Swimming Pool	\$350 per pool + \$0.25/sq-ft of pool & patio; \$350 per Whirlpool/Hot Tub		
Demolition Permit	\$275.00	\$0.00	\$0.00
Existing Cell Tower or Electric Substation & Equipment	\$350.00	\$0.00	\$0.00
New Cell Tower or Electric Substation & Equipment	\$1,400.00	\$0.00	\$0.00
Temporary Construction/Office Trailers	\$75.00	\$0.00	\$0.00
Sign Permit: Value < or = to \$2,500	\$75.00	N/A	N/A
Sign Permit: Value > \$2,500	\$350.00	N/A	N/A
Retaining Wall (4' or more from footer to top wall)	\$75 plus \$0.10/lineal foot of wall		
Fence (6' or more in height above ground surface)	\$75 plus \$0.10/lineal foot of fence		
Replacement Windows	\$150.00		
Electrial Wiring Only	\$150.00		
(New electric panel & electric panel upgrades, new outlets, new lights, HVAC, generators, solar panels, hot tub electrial, etc.)			
Roof Top & Ground Mounted Solar Panels - Commercial Building	As of 7/21/2022, To Be Determined by County Commission		
Solar Farm/Facilities (Utility Level)	As of 7/21/2022, To Be Determined by County Commission		
Site Plan with no Structures (parking lot, walkway, etc.)	\$350.00	plus \$1.25 for every \$1,000 value > \$50,000	
Re-inspection Fee	\$65/each re-inspection, paid prior to re-inspection		
Plan change after permit application reviewed	\$65 plus \$65 for each additional inspection due to plan change.		
Permit Application Denied & Resubmitted within 90 days for review; \$100 re-application fee.			
Beginning Construction Without a Permit	(1st time = \$75, 2nd time \$150, 3rd time \$300) + permit fee		

All fees are due upon submission of permit applications, plan changes, reinspections requests, payable to Jefferson County Commission.

Attachment A
Jefferson County, West Virginia
Engineering Department
&
Office of Building Permits & Inspections
116 East Washington Street
Charles Town, WV 25414
304-725-2998

Schedule of Miscellaneous Fees
Effective August 1, 2022

No.	Item	Fee
1	Minor Redline Revisions - Preliminary Plats & Site Plans	\$200
2	Major Redline Revisions - Preliminary Plats & Site Plans	\$325
3	Land Development Site Work - Inspection	\$70
3	Land Development Site Work - Reinspection (due to failed inspection)	\$70
4	Final Plat - Minor Amendment Review	\$95
5	Construction Bond - Time Extension Request	\$375
6	Construction Bond - Surety Renewal	\$375
7	Construction Bond - Tolling of Bonding Request	\$375
8	Floodplain Ordinance - Floodplain Delineations	\$15
9	Floodplain Ordinance - 100 Yr. Flood Elevation Determination	\$25
10	Floodplain Ordinance - Review of LOMA or LOMR requests	\$35
11	Small format Document Copies - (letter, legal & 11"x17")	\$1/page
12	Large format Document Copies (plan sheets, maps, etc.)	\$7.50/sheet
13		
14		
15		

All fees are due upon submission of permit applications, revisions, etc; and are payable to:
Jefferson County Commission



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

5/5/2022 12:00:23 PM

Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Fire Commission

TITLE-SERIES: 87-04

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: State Building Code

CITE STATUTORY AUTHORITY: W.Va. Code 15A-11-5

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB 4141

Section 64-6-2(b)

Passed On

3/9/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

August 1, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Brandolyn N Felton-Ernest -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

87CSR4

**TITLE 87
LEGISLATIVE RULE
STATE FIRE COMMISSION**

**SERIES 4
STATE BUILDING CODE**

§87-4-1. General.

1.1. Scope. -- This rule establishes the standards considered necessary by the State Fire Commission for the safeguarding of life and property and to ensure compliance with the minimum standards of safe construction of all structures erected or renovated throughout this state.

1.2. Authority. -- W. Va. Code §15A-11-5.

1.3. Filing Date. -- May 5, 2022.

1.4. Effective Date. -- August 1, 2022.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2027.

1.6. Exemptions. -- The State Building Code has no application to buildings or structures used primarily for agricultural purposes including agritourism purposes.

1.7. Incorporation of Other Documents. -- This rule does not include a reprinting of all the requirements imposed by statute or by the incorporation of various nationally recognized standards and codes cited in Subsection 4.1 of this rule. For ascertaining these additional standards and requirements, it is necessary to make reference to the other documents.

§87-4-2. Definitions.

2.1. "ANSI" means American National Standards Institute, 25 West 43rd St., Fourth Floor, New York, NY 10036.

2.2. "ASTM" means American Society of Testing and Materials.

2.3. "Fire Commission" means the thirteen (13) appointed members of the West Virginia State Fire Commission.

2.4. "Fire Marshal" means the West Virginia State Fire Marshal and/or his or her designated representatives.

2.5. "ICC" or "International" means International Code Council.

2.6. "Local jurisdiction" means municipal, county, or other local government.

2.7. "NFPA" means National Fire Protection Association.

87CSR4

2.8. "State Building Code" means the entire contents of this rule and the referenced national standards and codes.

2.9. "State Fire Code" means the entire contents of the State Fire Code, 87CSR1, and the referenced standards and codes.

§87-4-3. Conflicts.

3.1. Whenever there is a conflict between the State Fire Code and the State Building Code, the State Fire Code takes precedence.

3.2. Whenever there is a conflict between the International Plumbing Code requirements of the State Building Code and the rules of the West Virginia State Department of Health and Human Resources, the rules of the Department of Health and Human Resources take precedence.

3.3. Whenever there is a conflict between the State Building Code and statutory laws of the State of West Virginia, the laws of the State of West Virginia take precedence.

§87-4-4. National Standards and Codes.

4.1. The standards and requirements as set out and as published by the International Code Council, and American National Standards Institute, and the National Fire Protection Association as listed in this subsection, have the same force and effect as if set out verbatim in this rule.

4.1.a. The 2018 edition, International Building Code, with the following exceptions:

4.1.a.1. Provided, that the section entitled "Fire Prevention" and identified as Section 101.4.5 is deleted and not considered to be a part of this rule.

4.1.a.2. Further provided that the entire subsection entitled "Qualifications" and identified as Section 113.3 is deleted and replaced with the following:

"Section 113.3. Board of Appeals

113.3. Qualifications. The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years experience, five of which shall be in responsible charge of work. No less than one of the members of such Board of Appeals shall be a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor."

4.1.b. The 2018 edition of the International Plumbing Code.

4.1.c. The 2018 edition of the International Mechanical Code. The following shall be in addition to the current language found in the said edition of the reference code and section:

4.1.c.1. See International Mechanical Code, Section 908, Cooling Towers, Evaporative Condensers and Fluid Coolers.

87CSR4

4.1.c.1.A. 908.1 General- A cooling tower used in conjunction with an air-conditioning appliance shall be installed in accordance with the manufacturer's instructions. Factory-built cooling towers shall be listed in accordance with UL 1995 or UL/CSA 60335-2-40.

4.1.c.1.B. Section 916 Pool and Spa Heaters

4.1.c.1.B.1. 916.1 General- Pool and spa heaters shall be installed in accordance with the manufacturer's instructions. Oil-fired pool and spa heaters shall be tested in accordance with UL 1261. Pool and spa heat pump water heaters shall comply with UL 1995, UL/CSA 60335-2-40 or CSA C22.2 No. 236.

4.1.c.1.B.1.(a). Exception: Portable residential spas and portable residential exercise spas shall comply with UL 1563 or CSA C22.2 No. 218.1.

4.1.c.1.C. Section 918 Forced-Air Warm-Air Furnaces

4.1.c.1.C.1. 918.1 Forced-Air furnaces- Oil-fired furnaces shall be tested in accordance with UL 727. Electric furnaces shall be tested in accordance with UL 1995 or UL/CSA 60335-2-40. Solid fuel furnaces shall be tested in accordance with UL 391. Forced-air furnaces shall be installed in accordance with the listings and the manufacturer's instructions.

4.1.c.1.C.2. 1918.2 Heat Pumps- Electric heat pumps shall be tested in accordance with UL 1995 or UL/CSA 60335-2-40.

4.1.c.1.D. Section 1101 General

4.1.c.1.D.1. 1101.2 Factory-Built Equipment and Appliances- Listed and labeled self-contained, factory-built equipment and appliances shall be tested in accordance with UL 207, 412, 471, 1995, UL/CSA 60335-2-40, or UL/CSA 60335-2-89. Such equipment and appliances are deemed to meet the design, manufacture and factory test requirements of this code if installed in accordance with their listing and the manufacturer's instructions.

4.1.c.1.D.2. 1101.6 General. Refrigeration systems shall comply with the requirements of this code and, except as modified by this code, ASHRAE 15. Ammonia-refrigerating systems shall comply with this code and, except as modified by this code, ASHRAE 15, IAR 2. High probability systems utilizing A2L refrigerants shall comply with ASHRAE 15.

4.1.c.1.E. Chapter 15 REFERENCED STANDARDS

4.1.c.1.E.1. 1501.3 Referenced Standards – See Table 1

ASHRAE	ASHRAE 1791 Tullie Circle, NE Atlanta, GA 30329
Standard reference number	Title

87CSR4

15-2019	Safety Standard for Refrigeration Systems
34-2019	Designation and Safety Classification of Refrigerants
CSA	CSA Group 8501 East Pleasant Valley Road Cleveland, OH 44131-5516

Standard reference number	Title
CSA C22.2 No. 60335-2-40—19	Household And Similar Electrical Appliances - Safety - Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers – 3 rd Edition
CSA C22.2 No. 60335-2-89—21	Household And Similar Electrical Appliances - Safety - Part 2-89: Particular Requirements for Commercial Refrigerating Appliances with an Incorporated or Remote Refrigerant Unit or Compressor

Table 1

UL	UL LLC 333 Pfingsten Road Northbrook, IL 60062-2096
Standard reference number	Title
UL/CSA 60335-2-40—19	Household And Similar Electrical Appliances - Safety - Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers – 3 rd Edition
UL/CSA 60335-2-89—21	Household And Similar Electrical Appliances - Safety - Part 2-89: Particular Requirements for Commercial Refrigerating Appliances with an Incorporated or Remote Refrigerant Unit or Compressor

Table 1

4.1.d. The 2018 edition of the International Fuel Gas Code, with the following exception:

4.1.d.1. Section 404.10 Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

4.1.e. The 2018 edition of the International Property Maintenance Code. This code may be rejected at the option of the local jurisdiction.

4.1.e.1. This code may be adopted by the local jurisdiction without requiring adoption of the other national codes and standards listed in this rule.

4.1.f. The 2015 edition of the International Energy Conservation Code for residential buildings, with the following exception:

4.1.f.1. Section, R402.4.1.2. Testing. The building or dwelling unit shall in lieu thereof have an air leakage rate not exceeding five air changes per hour in Climate Zones 3 through 8.

4.1.g. The ANSI/ASHRAE/IESNA Standard 90.1 2013 edition for commercial buildings.

4.1.g.1. Using building energy benchmarking in all commercial structures means measuring a building's energy use and then comparing it to the energy use of similar buildings, its own historical energy usage, or a reference performance level, and is an allowable option for improved energy efficiency and performance.

4.1.h. The 2018 edition of the International Residential Code for One- and Two-Family Dwellings, with the following exceptions:

4.1.h.1. Chapter 11 of the 2018 edition of the International Residential Code for One- and Two-Family Dwellings, Seventh Printing, entitled "Energy Efficiency", is exempt from this rule.

4.1.h.2. Section G2415.12 (404.10) Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

4.1.h.3. Section M1402 Central Furnaces.

4.1.h.3.A. M1402.1 General- Oil-fired central furnaces shall conform to ANSI/UL 727. Electric furnaces shall conform to UL 1995 or UL/CSA 60335-2-40.

4.1.h.3.B. Section M1403 Heat Pump Equipment

4.1.h.3.B.1. M1403.1 Heat pumps- Electric heat pumps shall be listed and labeled in accordance with UL 1995 or UL/CSA 60335-2-40.

4.1.h.3.C. Section M1412 Absorption Cooling Equipment

4.1.h.3.C.1. M1412.1 Approval of equipment- Absorption systems shall be installed

87CSR4

in accordance with the manufacturer's instructions. Absorption equipment shall comply with UL 1995 or UL/CSA 60335-2-40.

4.1.h.3.D. Section M1413 Evaporative Cooling Equipment

4.1.h.3.D.1. M1413.1 General- Evaporative cooling equipment and appliances shall comply with UL 1995 or UL/CSA 60335-2-40 and shall be installed in accordance with 4401.3 Referenced standard list.

4.1.h.3. E. Chapter 44 Referenced standards

4.1.h.3.E.1. 4401.3 Referenced standard list - See table 2

ASHRAE	ASHRAE 1791 Tullie Circle NE Atlanta, GA 30329
Standard referenced	Title
Table 2	
34-2019:	Designation and Safety Classification of Refrigerants
CSA	CSA Group 8501 East Pleasant Valley Road Cleveland, OH 44131-5516
Standard referenced	Title
CAN/CSA/C22.2 No. 60335-2-40-2019	Safety of Household and Similar Electric Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers-3 rd edition
UL	UL LLC 333 Pfingsten Road Northbrook, IL 60062
Standard referenced	Title
1995-2015:	Heating and Cooling Equipment
UL/CSA 2-40-2019:	60335- Safety of Household and Similar Electrical Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers-3 rd Edition
Table 2	

87CSR4

4.1.i. Section R311.7.5 Stair Treads and Risers

4.1.i.1. 311.7.5.1 Riser Heights -- The maximum riser height shall be eight and one-quarter (8 1/4) inches.

4.1.i.2. 311.7.5.2 Tread Depth -- The minimum tread depth shall be nine (9) inches.

4.1.j. Section R403.1.7.1: Building Clearances from Ascending Slopes is not applicable to this rule.

4.1.k. Section R403.1.7.2: Footings Setbacks from Descending Slope Surfaces is not applicable to this rule.

4.1.l. The 2017 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings & Facilities.

4.1.l.1. The 2018 International Existing Building Code, with the following exception:

4.1.l.2. Omit reference to International Fire Code and substitute NFPA Life Safety Code 2018 edition.

4.1.m. The 2020 edition of the National Electrical Code, NFPA 70, with the following exception:

4.1.m.1. Section 210.8(F) GFCI Protection shall not be required on all new mini-split heating/ventilation/air-conditioning (HVAC) equipment and other HVAC units employing power conversion equipment as a means to control compressor speed systems including but not limited to mini-split and A/C units until January 1, 2023.

4.1.m.2. For renovations in one- and two-family homes where no new square footage is involved, arc-fault circuit interrupter (AFCI) protection shall not be required, except for in bedrooms. For renovation in one- and two-family homes where square footage is added but no electrical service is installed, arc-fault circuit interrupter (AFCI) protection shall not be required.

4.1.n. The 2018 edition of the International Swimming Pool and Spa Code.

4.2. Wherever referenced in the several ICC codes adopted in this section, any reference to the International Fire Code should be substituted with the NFPA Life Safety Code 2021 edition.

4.3. Whenever a certificate of occupancy is required of a commercial structure greater in size than 7,600 feet, the project documents shall be designed by an Architect licensed by the WV Board of Architects, or a Professional Engineer licensed by the WV State Board of Registration for Professional Engineers.

§87-4-5. Fire Protection of Floors in Residential Buildings

5.1. New One and Two Family Dwellings over one level in height, New One and Two Family Dwellings containing a basement, and New One and Two Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide one of the following methods for fire protection of floors: (1) A 1/2 inch (12.7 mm) gypsum wallboard membrane, 5/8 inch (16 mm) wood

structural panel membrane, or equivalent on the underside of the floor framing member; (2) Wood floor assemblies using dimension lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An Automatic Fire Sprinkler System as set forth in section R313.1 or R313.2 of the 2015 edition of the International Residential Code for One and Two Family Dwellings: *Provided*, That floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in section R313.1 or R313.2 of the 2015 edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.

5.2. Townhouses meeting the Fire-Resistant Construction Standard R302.2 will be treated as New One- and Two-Family Dwellings and shall comply with Section 5.1 above.

§87-4-6. Exceptions.

6.1. The following structures are not subject to inspection by local jurisdictions:

6.1.a. Group U utility structures and storage sheds comprising an area not more than 200 sq. ft. which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections are a non-residential use or for the storage of explosives or other hazardous or explosive materials.

§87-4-7. Adoption by Local Jurisdiction.

7.1. Each local jurisdiction adopting the State Building Code shall notify the State Fire Commission in writing. The local jurisdiction shall send a copy of the ordinance or order to the State Fire Marshal, West Virginia State Fire Commission, 1207 Quarrier Street, 2nd floor, Charleston, West Virginia 25301, within thirty (30) days of adoption.

7.2. Each local jurisdiction which adopts the State Building Code is responsible for the enforcement of the building code as provided in West Virginia Code 7-1-3n and 8-12-13.

7.3. Throughout the national codes, adopted in subsection 4.1 of this rule, there are discretionary provisions or amendments which require further action by the adopting local jurisdiction in order to adapt these codes to various local conditions. The appendices are not a part of the code and must also be adopted by the local jurisdiction to be enforceable. It is therefore the intent of this rule to further authorize each local jurisdiction to further complete, by order or ordinance, those respective areas which are indicated to be completed by the adopting "jurisdiction" and any of the appendices the local jurisdiction wishes to adopt.

7.4. Within the penalty sections of each of the national codes, adopted in Section 4.1 of this rule, there is a penalty for imprisonment. The provision of imprisonment for any violation of this rule is optional with each adopting local jurisdiction.

7.5. Each of the national codes adopted in subsection 4.1 of this rule provides for a separate appeals board. However, the intent and requirements for an appeal board may be met with the creation by the local jurisdiction of a single appeals board for the entire "State Building Code."

7.6. Each local jurisdiction adopting the State Building Code shall comply with the requirements set forth in Title 87, Series 7 "Standards for the Certification and Continuing Education of Municipal, County, and Public-Sector Building Code Officials, Building Code Inspectors and Plans Examiners."

87CSR4

7.7. All questions of interpretation and enforcement of the State Building Code are delegated to the local jurisdiction unless expressly provided by State Code, by this Rule, or by the incorporated codes and standards referenced in this Rule.

§87-4-8. Existing Building Codes.

8.1. All building codes previously adopted by local jurisdictions are null and void.

§87-4-9. Exemption for agricultural purposes.

9.1. If a property owner or other responsible party claims exemption from the applicable Building Code based on the agricultural purposes exemption identified in subsection 1.6 of this rule, he or she shall submit the question to the Commissioner of Agriculture for a determination of eligibility.

9.2. The property owner or responsible party shall submit to the Commissioner of Agriculture sufficient information to allow the Commissioner to determine the primary use of the property. This information shall include, but is not limited to, the location of the property and buildings, the types of agricultural use or uses, the percentage or frequency of use, and any other information that the Commissioner requires to make a decision.

9.3. The Commissioner of Agriculture shall provide a copy of his or her decision to the property owner or responsible party, and to the entity that has adopted and is enforcing the Building Code.